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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,728	04/02/2004	Harry Rieger	67411811.001106	1021
23562	7590	08/22/2006	EXAMINER	
BAKER & MCKENZIE LLP PATENT DEPARTMENT 2001 ROSS AVENUE SUITE 2300 DALLAS, TX 75201			AL NAZER, LEITH A	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/816,728	<b>Applicant(s)</b> RIEGER, HARRY	
	<b>Examiner</b> Leith A. Al-Nazer	<b>Art Unit</b> 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.  
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-17 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**TAN HO**  
**PRIMARY EXAMINER**

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings filed on 02 April 2004 are informal and are suitable only for examination purposes. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,157,663 to Wu et al.

With respect to claim 1, Wu teaches a laser rod (40); and at least one diode array (46) located proximate to the laser rod, each diode array having a plurality of high-power diode bars spaced thereon wherein the spacing between the high-power diode bars and the location of the diode array from the laser rod are selected such that the

full-width, half-max (FWHM) point of the radiation from one diode bar overlaps the FWHM point of the radiation of an adjacent diode bar so as to allow the laser rod to receive the radiation emitted by the diode bars in a substantially uniform distribution along the length of the laser rod (column 18, lines 12-54).

With respect to claim 17, Wu teaches providing a laser rod (40); and locating at least one diode array (46) proximate to the laser rod, each diode array including a plurality of high-power diode bars, wherein spacing between the high-power diode bars and the location of the diode array from the laser rod are selected such that the full-width, half max (FWHM) point of the radiation from one diode bar overlaps the FWHM point of the radiation of an adjacent diode bar so as to allow the laser rod to receive radiation from the diode arrays in a substantially uniform distribution along the length of the laser rod (column 18, lines 12-54).

4. Claims 1, 3, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,455,838 to Heritier et al.

With respect to claim 1, Heritier teaches a laser rod (36); and at least one diode array (32 and 34) located proximate to the laser rod, each diode array having a plurality of high-power diode bars spaced thereon wherein the spacing between the high-power diode bars and the location of the diode array from the laser rod are selected such that the full-width, half-max (FWHM) point of the radiation from one diode bar overlaps the FWHM point of the radiation of an adjacent diode bar so as to allow the laser rod to

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receive the radiation emitted by the diode bars in a substantially uniform distribution along the length of the laser rod (column 5, line 45 – column 6, line 20).

With respect to claim 3, Heritier teaches each diode array includes five high-power diode bars (column 1, lines 5-45).

With respect to claim 17, Heritier teaches providing a laser rod (36); and locating at least one diode array (32 and 34) proximate to the laser rod, each diode array including a plurality of high-power diode bars, wherein spacing between the high-power diode bars and the location of the diode array from the laser rod are selected such that the full-width, half max (FWHM) point of the radiation from one diode bar overlaps the FWHM point of the radiation of an adjacent diode bar so as to allow the laser rod to receive radiation from the diode arrays in a substantially uniform distribution along the length of the laser rod (column 5, line 45 – column 6, line 20).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0018288 to Rieger et al. in view of U.S. Patent No. 6,157,663 to Wu et al. or U.S. Patent No. 5,455,838 to Heritier et al.

With respect to claim 1, Rieger teaches a laser rod (160; figure 8); and at least one diode array (18; figure 8) located proximate to the laser rod, each diode array having a plurality of high-power diode bars spaced thereon. Claim 1 requires the spacing between the high-power diode bars and the location of the diode array from the laser rod are selected such that the full-width, half-max (FWHM) point of the radiation from one diode bar overlaps the FWHM point of the radiation of an adjacent diode bar so as to allow the laser rod to receive the radiation emitted by the diode bars in a substantially uniform distribution along the length of the laser rod. Such a configuration is well known in the art, as is evidenced by Wu (column 18, lines 12-54) and Heritier (column 5, line 45 – column 6, line 20). At the time of the invention, it would have been obvious to one having ordinary skill in the art to take the system of Rieger and further state overlapping of the FWHM point of adjacent diode bars. The motivation for doing so would have been to pump the laser rod with a greater uniformity.

With respect to claims 2 and 10, Rieger teaches each of the high-power diode bars producing at least about 50W (paragraph 0070).

With respect to claims 3 and 11, Rieger teaches each diode array includes five high-power diode bars (figure 8).

Claims 4 and 12 require the plurality of high-power diode bars have a spacing of about 12.5 mm in the diode array. It is well known in the art that one should space the diode arrays appropriately in order to optimize pumping uniformity and efficiency. Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to take the system of Rieger and state a diode bar spacing of about 12.5 mm. The motivation for doing so would have been to uniformly pump the laser rod in order to minimize hot spots and reduce thermal stress, non-uniform gain and other undesirable thermal optical effects, as is suggested by Rieger (paragraph 0128).

Claims 5 and 13 require the distance from each diode array to the center of the laser rod be about 25 mm. It is well known in the art that one should distance the diode array from the center of the laser rod at a specific desired position due to the weakening of pump radiation over larger distances. Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to take the system of Rieger and state a distance from the diode arrays to the center of the laser rod be about 25 mm. The motivation for doing so would have been to pump the laser rod with a specific pumping power, as is suggested by Rieger (paragraph 0128).

With respect to claim 6, Rieger teaches five diode arrays being placed around the circumference of the laser rod with an angular separation of about 72 degrees (figures 8-10).

With respect to claims 7 and 15, Rieger teaches a transparent coolant barrier (170 and 190) surrounding the laser rod, wherein the coolant barrier is operable to pass a coolant over the surface of the laser rod.

With respect to claims 8 and 16, Rieger teaches the coolant comprising water (paragraph 0106).

With respect to claim 9, Rieger teaches a first laser rod having a longitudinal axis; an odd number of first diode arrays located proximate to the first laser rod, each first diode array having a plurality of high-power diode bars spaced thereon, wherein the first diode arrays are positioned around the circumference of the laser rod with an even angular separation; a second laser rod having a longitudinal axis that is aligned with the longitudinal of the first laser rod; an odd number of second diode arrays located proximate to the second laser rod, each second diode array having a plurality of high-power diode bars spaced thereon, wherein the second diode arrays are positioned around the circumference of the laser rod with an even angular separation that is inversely proportional to the angular separation of the first diode arrays; a 90 degree rotator disposed between the first and second laser rods along the longitudinal axes of the laser rods; and a compensating lens disposed between the first and second laser rods along the longitudinal axes of the laser rods, wherein the compensating lens imparts a negative spherical lensing effect (figures 2 and 8-10; page 18). Claim 9 requires that the FWHM point of the radiation from one diode bar overlap the FWHM point of the radiation of an adjacent diode bar on the same first diode array. Such a configuration is well known in the art, as is evidenced by Wu (column 18, lines 12-54)



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and Heritier (column 5, line 45 – column 6, line 20). At the time of the invention, it would have been obvious to one having ordinary skill in the art to take the system of Rieger and further state overlapping of the FWHM point of adjacent diode bars. The motivation for doing so would have been to pump the first and second laser rods with a greater uniformity.

With respect to claim 14, Rieger teaches five diode arrays being placed around the circumference of the first laser rod with an angular separation of about 72 degrees and five diode arrays being placed around the circumference of the second laser rod with an angular separation of about 72 degrees (figures 8-10).

With respect to claim 17, Rieger teaches providing a laser rod (160; figure 8); and locating at least one diode array (18; figure 8) proximate to the laser rod, each diode array including a plurality of high-power diode bars. Claim 17 requires the spacing between the high-power diode bars and the location of the diode array from the laser rod are selected such that the full-width, half max (FWHM) point of the radiation from one diode bar overlaps the FWHM point of the radiation of an adjacent diode bar so as to allow the laser rod to receive radiation from the diode arrays in a substantially uniform distribution along the length of the laser rod. Such a configuration is well known in the art, as is evidenced by Wu (column 18, lines 12-54) and Heritier (column 5, line 45 – column 6, line 20). At the time of the invention, it would have been obvious to one having ordinary skill in the art to take the system of Rieger and further state overlapping of the FWHM point of adjacent diode bars. The motivation for doing so would have been to pump the laser rod with a greater uniformity.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,157,663 to Wu et al. in view of U.S. Patent No. 6,590,911 to Spinelli et al. or U.S. Patent Application Publication No. 2004/0233942 to Schlueter et al.

Claim 2 requires each of the high-power diode bars produce at least about 50W. Such power requirements are well known in the art, as is evidenced by Spinelli (column 1, lines 45-55) and Schlueter (paragraph 0009). Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to utilize the high-power diode bars of Spinelli or Schlueter in the system of Wu. The motivation for doing so would have been to efficiently pump the laser rod.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,455,838 to Heritier et al. in view of U.S. Patent No. 6,590,911 to Spinelli et al. or U.S. Patent Application Publication No. 2004/0233942 to Schlueter et al.

Claim 2 requires each of the high-power diode bars produce at least about 50W. Such power requirements are well known in the art, as is evidenced by Spinelli (column 1, lines 45-55) and Schlueter (paragraph 0009). Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to utilize the high-power diode bars of Spinelli or Schlueter in the system of Heritier. The motivation for doing so would have been to efficiently pump the laser rod.

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10. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,157,663 to Wu et al. in view of U.S. Patent No. 6,351,477 to Du.

Claim 3 requires each diode array include five high-power diode bars. Du teaches five high-power diode bars (figure 20). At the time of the invention, it would have been obvious to one having ordinary skill in the art to utilize the five laser diode configuration of Du in the system of Wu. The motivation for doing so would have been to uniformly pump the entire surface area of the laser rod.

Claim 4 requires the plurality of high-power diode bars have a spacing of about 12.5 mm in the diode array. It is well known in the art that one should space the diode arrays appropriately in order to optimize pumping uniformity and efficiency. Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to take the system of Wu and state a diode bar spacing of about 12.5 mm. The motivation for doing so would have been to uniformly pump the laser rod in order to minimize hot spots and reduce thermal stress, non-uniform gain and other undesirable thermal optical effects.

Claim 5 requires the distance from each diode array to the center of the laser rod be about 25 mm. It is well known in the art that one should distance the diode array from the center of the laser rod at a specific desired position due to the weakening of pump radiation over larger distances. Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to take the system of Wu and state a distance from the diode arrays to the center of the laser rod be about 25 mm.

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The motivation for doing so would have been to pump the laser rod with a specific pumping power.

Claim 6 requires that the five diode arrays be placed around the circumference of the laser rod with an angular separation of about 72 degrees. Du teaches such a configuration (figure 20). At the time of the invention, it would have been obvious to one having ordinary skill in the art to utilize the 72 degree separation laser diode configuration of Du in the system as taught or suggested by Wu. The motivation for doing so would have been to uniformly pump the entire surface area of the laser rod.

11. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,455,838 to Heritier et al. in view of U.S. Patent No. 6,351,477 to Du.

Claim 4 requires the plurality of high-power diode bars have a spacing of about 12.5 mm in the diode array. It is well known in the art that one should space the diode arrays appropriately in order to optimize pumping uniformity and efficiency. Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to take the system of Heritier and state a diode bar spacing of about 12.5 mm. The motivation for doing so would have been to uniformly pump the laser rod in order to minimize hot spots and reduce thermal stress, non-uniform gain and other undesirable thermal optical effects.

Claim 5 requires the distance from each diode array to the center of the laser rod be about 25 mm. It is well known in the art that one should distance the diode array from the center of the laser rod at a specific desired position due to the weakening of

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pump radiation over larger distances. Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to take the system of Heritier and state a distance from the diode arrays to the center of the laser rod be about 25 mm. The motivation for doing so would have been to pump the laser rod with a specific pumping power.

Claim 6 requires that the five diode arrays be placed around the circumference of the laser rod with an angular separation of about 72 degrees. Du teaches such a configuration (figure 20). At the time of the invention, it would have been obvious to one having ordinary skill in the art to utilize the 72 degree separation laser diode configuration of Du in the system as taught or suggested by Heritier. The motivation for doing so would have been to uniformly pump the entire surface area of the laser rod.

12. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,157,663 to Wu et al. in view of U.S. Patent No. 5,978,407 to Chang et al.

Claim 7 requires a transparent coolant barrier surrounding the laser rod, wherein the coolant barrier is operable to pass a coolant over the surface of the laser rod. Such a configuration is well known in the art, as is evidenced by Chang ("WATER JACKET" in figure 2). At the time of the invention, it would have been obvious to one having ordinary skill in the art to combine the coolant barrier of Chang with the system as taught or suggested by Wu. The motivation for doing so would have been to provide means for cooling the laser rod.

With respect to claim 8, Chang teaches the coolant comprising water ("WATER JACKET" in figure 2).

13. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,455,838 to Heritier et al. in view of U.S. Patent No. 5,978,407 to Chang et al.

Claim 7 requires a transparent coolant barrier surrounding the laser rod, wherein the coolant barrier is operable to pass a coolant over the surface of the laser rod. Such a configuration is well known in the art, as is evidenced by Chang ("WATER JACKET" in figure 2). At the time of the invention, it would have been obvious to one having ordinary skill in the art to combine the coolant barrier of Chang with the system as taught or suggested by Heritier. The motivation for doing so would have been to provide means for cooling the laser rod.

With respect to claim 8, Chang teaches the coolant comprising water ("WATER JACKET" in figure 2).

### ***Response to Arguments***

14. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

15. Regarding the informality of the drawings filed on 02 April 2004, Applicant pointed out that formal drawings were filed on 11 June 2004. These formal drawings

are not in the file of record, and there is no record in the PALM system of formal drawings being received on 11 June 2004.

### ***Citation of Pertinent References***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patent documents further show the state of the art:

- a. U.S. Patent No. 5,117,436 to Hanson
- b. U.S. Patent No. 5,249,189 to Scheps
- c. U.S. Patent No. 5,515,394 to Zhang
- d. U.S. Patent No. 5,734,672 to McMinn et al.
- e. U.S. Patent No. 6,075,803 to Bull et al.
- f. U.S. Patent No. 6,373,868 to Zhang
- g. U.S. Patent Application Publication No. 2002/0097769 to Vetrovec
- h. U.S. Patent Application Publication No. 2002/0191662 to Perry et al.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Communication Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leith A. Al-Nazer whose telephone number is 571-272-1938. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LA



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